

Attorney Docket: 11197/15

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: SATO, et al.
Application No.: 10/581,046
Filing Date: May 30, 2006

Art Unit: Unknown
Examiner: Unknown

For: THERMOPLASTIC RESIN COMPOSITION FOR MASTERBATCHES, METHOD OF PRODUCING MOLDING MATERIAL THEREOF, AND THERMOPLASTIC RESIN COMPOSITION USING THEM AND METHOD OF PRODUCTION THEREOF

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.47(a)

Sir:

Applicants hereby submit this Petition in the above-identified application for acceptance of the attached Declaration and Power of Attorney for Patent Application that was signed by all the joint inventors, except Mr. Shigeru Yasuda, who refuses to sign.

A Statement of Facts, signed by a joint inventor, Ms. Machiko Tanaka, is attached.

As shown in the Statement of Facts, Mr. Yasuda was an employee of Toyo Boseki Kabushiki Kaisha, who left his job on December 25, 2004. Mr. Yasuda was called on September 8, 2006 and September 21, 2006 to request that he sign the Declaration. Mr. Yasuda refused to sign. Letters, including the Declaration, were mailed to Mr. Yasuda on September 13, 2006 and September 21, 2006. Copies of the letters and their English translations are attached. Mr. Yasuda refused to sign and returned the unsigned Declaration to Toyo Boseki on September 20, 2006 and September 25, 2006. Copies of the front of delivery-stamped returned envelopes and their English translations are attached.

A subsequent letter to Mr. Yasuda mailed February 7, 2007 was returned to Toyo Boseki marked "Address unknown." A copy of the front of the returned envelope and its English translation are attached.

The last known address of Mr. Yasuda is:

LUNEPARADIO 321
4-1-24 Hamakoshien
Nishinomiya-shi 663-8154 JAPAN

Tel: 81-798-43-2509

03/19/2007 LLANDGRA 00000028 110600 10581046

03 FC:1463 200.00 DA

DCO 652510

1 of 2

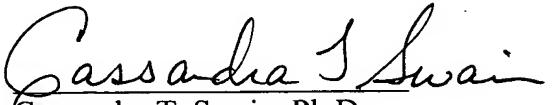
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The U.S. Patent and Trademark Office is authorized to charge the petition fee set forth in 37 CFR 1.17(h) to Deposit Account 11-0600.

Respectfully submitted,
KENYON & KENYON LLP

Dated: March 16, 2007

By:


Cassandra T. Swain, Ph.D.
Reg. No. 48,361

1500 K Street, N.W.
Washington, DC 20005-1257
Tel.: (202) 220-4200
Fax: (202) 220-4201

Attachments:

Declaration

Statement of Facts

Copy of September 13, 2006 Letter and English Translation

Copy of September 20, 2006 Returned Envelope and English Translation

Copy of September 21, 2006 Letter and English Translation

Copy of September 25, 2006 Returned Envelope and English Translation

Copy of February 7, 2007 Returned Envelope and English Translation



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT OF FACTS IN SUPPORT OF
PETITION UNDER 37 CFR 1.47(a)**

Sir:

In support of a Petition under 37 CFR 1.47(a) regarding a joint inventor, Mr. Shigeru Yasuda, who refuses to join in the above-identified application for patent, I would like to state the following facts per MPEP 409.03(d).

- (1) I am a co-inventor of the above-identified application.
- (2) Mr. Shigeru Yasuda was an employee of Toyo Boseki Kabushiki Kaisha, having its principal place of business at 2-8, Dojima Hama 2-chome, Kita-ku, Osaka-shi, Osaka 530-8230 JAPAN.
- (3) Mr. Yasuda left his employment with Toyo Boseki Kabushiki Kaisha on December 25, 2004.
- (4) Mr. Yasuda refuses to sign the Declaration and the Assignment for the above-identified application.
- (5) On September 8, 2006, I asked Mr. Yasuda to sign by telephone.
- (6) On September 13, 2006, I sent a letter to Mr. Yasuda. The letter included the application papers, including the specification and claims, an Assignment, and a Declaration. A copy of the September 13, 2006 letter is enclosed. An English translation of the letter is also enclosed for your convenience.

- (7) Mr. Yasuda mailed all the documents back to me without comment and without signing the Declaration and the Assignment.
- (8) On September 21, 2006, I asked Mr. Yasuda to sign by telephone again. Mr. Yasuda stated that he would not sign the Declaration and the Assignment.
- (9) On September 21, 2006, I sent a second letter to Mr. Yasuda. The letter included the application papers including the specification and claims, an Assignment, and a Declaration. A copy of the September 21, 2006 letter is enclosed. An English translation of the letter is also enclosed for your convenience.
- (10) Mr. Yasuda mailed the documents back without signing the Declaration and the Assignment. Mr. Yasuda again indicated that he would not sign the Declaration and the Assignment.
- (11) Mr. Yasuda's last known address and telephone number are set forth below:

LUNEPARADIO 321
4-1-24 Hamakoshien
Nishinomiya-shi 663-8154 JAPAN
Tel: 81-798-43-2509.

Respectfully submitted,

Dated: March 9, 2007

By: Machiko Tanaka
Machiko TANAKA
c/o TOYO BOSEKI KABUSHIKI
KAISHA
**2-8, Dojima Hama 2-chome,
Kita-ku, Osaka-shi, Osaka
530-8230 Japan**

Enclosures

MAR 16 2007 08:24

KENYON & KENYON

212 425 5288 P.004/009
N.Y. 100-2390 r. 3/0

(1)

JAPAN POSTAGE 560 YEN

Nishinomiya minami koushien
September 20, 2006

530-8230

To Intellectual Property Dept.,
TOYO BOSEKI KABUSHIKI KAISHA
2-8, Dojima Hama 2-Chome, Kita-ku, Osaka-shi,
Osaka

Regisrty

TOYOB

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530-8230

TEL (06)6348-

FAX(06)

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Name of the Dept.

.....(day/month/year)



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大阪市北区堂島浜二丁目2番8号

東洋紡遺(株)

知的財産部宛

書留

TOYOB



161-29-93898-5

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年 月 日

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MAR-19-2007 08:24

KENYON & KENYON

212 425 5288 P.006/009
NO. 7390 R. 0/8

(2)

JAPAN POSTAGE 660 YEN

Nishinomiya minami koushien

September 25, 2006

530-8230

8-12 AM

To Intellectual Property Dept.,

TOYO BOSEKI KABUSHIKI KAISHA

2-8, Dojima Hama 2-Chome, Kita-ku, Osaka-shi,
Osaka

Regisrty

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Name of the Dept.

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..... (day/month/year)



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FAX(06)
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FROM: Person in charge, Tanaka,
Intellectual Property Dept.,
Toyobo Co., Ltd.

Phone: 6348-4378 Fax: 6348-3393

DATE: September 13, 2006

TO: Mr. Shigeru Yasuda

SUBJECT: JAPANESE PATENT APPLICATION AND U. S. PATENT
APPLICATION

We are awfully sorry to have abruptly called you the other day.

Please forgive us to have taken a time to write to you, but with respect to the application already submitted in accordance with PCT, for which you are an inventor, we have to inform you that your signatures and seals are required to be affixed to the documents to be submitted when the application for patents enters into the national phase in Japan and in the United States as well as the documents required in our company.

We are awfully sorry to cause you trouble but please affix

your seals or signatures to the documents attached herewith and return them to our Company.

With our best regards.

Documents enclosed:

Written proposal to application: (Please affix your seal in the inventor column.)

Declaration and Power of Attorney for Patent Application and Assignment: (Please sign your name in full in blue ink at the places with Post-it attached (two places in total).)

Envelope for return mail

2006年9月13日

安田 滋 様

東洋紡績株式会社

知的財産部

(担当：田中)

(Tel 6348-4378)

(FAX 6348-3393)

日本特許出願および米国特許出願について

先日は突然のお電話で失礼しました。

連絡が遅くなりましたが、貴殿が発明者であるPCT既出願の件で、その後、日本とアメリカへ移行する際に提出する書類や、弊社内での必要書類に捺印、サイン等が必要となりました。

そこで、お手数をおかけし申し訳ありませんが、添付の書類にご捺印またはサインをして戴き、同封の封筒にて、弊社までご返送戴きたく存じます。

敬具

同封書類)

出願提案書 (発明者欄にご捺印をお願いします)

アメリカ出願用宣誓書・譲渡書 (ポストイットの箇所にフルネーム・青インクでサインをお願いします
(合計2箇所))

返信用封筒

(3)

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February 8, 2007
000784
8EE5438PB8800831

663-8126

Address unknown/Nishinomiyahigashi

Mr. Shigeru YASUDA

6-6-406, 1-chome, Komatsukita-cho, Nishinomiya-shi

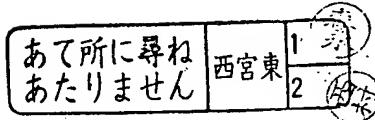
Regierty

TOYOBO
2-8, Dojima Hama 2-Chome,
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530-8230
TEL (06)6348-4378
FAX(06)
URL <http://www.toyobo.co.jp>
Name of the Dept.
Intellectual Property Dept.
February 7, 2007

大阪古河ビル内
08.02.07
OSAKA
FURUKAWA BLDG 000784
8EE5438 PB8800831

日本郵便
NIPPON
00560

663-8126



(西宮市) 小松北町 1 丁目
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安田 淳様

書留



175-50-89028-0

東洋紡

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FAX(06)

URL <http://www.toyobo.co.jp>

部課名

知的財産部

2007年 2月 7日

当社あての文書には部課名を入れて下さい。

環境保護のため、再生紙を使用しています



FROM: Person in charge, Tanaka,
Intellectual Property Dept.,
Toyobo Co., Ltd.
Phone: 6348-4378 Fax: 6348-3393

DATE: September 21, 2006

TO: Mr. Shigeru Yasuda

PCT Application into the National Phase in the U. S.
for International Publication No. WO2005-056646A1

We are awfully sorry to have caused you trouble because
of our lack of explanation.

The present case relates to the application already submitted in accordance with PCT, for which you are an inventor (enclosed document [1]: International Publication No. WO2005-056646A1), and your signatures are required for the documents (Declaration and Power of Attorney for Patent Application and Assignment) to be submitted to the U. S. Patent Office to enter the PCT application into the national phase in the U.S. (The contents of the application are identical to the above International Publication).

By the way, the documents submitted to you the other day to enter the PCT application into the national phase in Japan are documents that require in-house processing in our company and will be processed by our company and no seals are required, but the documents to enter the PCT application into the national phase in the U.S. are the documents submitted to the U. S. Patent Office, and your signatures are required.

In fact, we presented the written oath and assignment (enclosed document [2]: Declaration and Power of Attorney for Patent Application and Assignment already submitted) to our American attorney, but they notified us that the signature is required if we are in a position to have your signature. Your understanding is appreciated.

We are awfully sorry to cause you trouble, but please affix your signatures to the enclosed document (enclosed document [3]: Declaration and Power of Attorney for Patent Application and Assignment) and return them to us by enclosing them in the envelope enclosed.

If you have any ambiguous or doubtful points on this subject, please feel free to let us know, as we are always at your service.

With our best regards,

Documents Enclosed:

[1] International Publication No. WO2005-056646A1 (return not required)

[2] Copy of the Declaration and Power of Attorney for Patent Application and Assignment already submitted (return not required)

[3] Original of the Declaration and Power of Attorney for Patent Application and Assignment

(Please sign your name in full in blue ink at the places with Post-it attached (two places in total) and return to us.)

[4] Envelope for return mail

2006年9月21日

安田 滋 様

東洋紡績株式会社

知的財産部

(担当 : 田中)

(Tel 6348-4378)

(FAX 6348-3393)

国際公開番号W02005-056646A1のアメリカ移行出願について

先日は、こちらの説明不足で大変失礼致しました。

さて、本件は貴殿が発明者である P C T 既出願(同封書類①: 国際公開番号 W02005-056646A1)の件で、その後、アメリカへ移行(出願内容は全く上記国際公開と同じ)する際にアメリカ特許庁へ提出する書類(アメリカ出願用宣誓書・譲渡書)にサインが必要となった件でございます。

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実は、貴殿のサインなしで前記宣誓書と譲渡書を提出(同封書類②: 提出済みDECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION(出願用宣誓書)とASSIGNMENT(譲渡書))したのですが、やはり、アメリカの代理人からサインを戴ける状況であれば、サインが必要との連絡があり、今に到ったのでございます。何卒ご理解の程、お願い申し上げます。

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なお、なかなか文書による説明では判りにくい点が多々あると存じますので、何かご不明な点がございましたら、お手数ですが、ご返送前にご一報戴きますと幸甚でございます。

敬具

(同封書類)

- ① WO2005-056646A1 公報(返却不要)
- ② 提出済みの DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION(出願用宣誓書)と ASSIGNMENT(譲渡書)のコピー(返却不要)
- ③ DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION(出願用宣誓書)と ASSIGNMENT(譲渡書)原本
(ポストトイットの箇所にフルネーム・青インクでサイン(合計2箇所)後、ご返却願います)
- ④ 返信用封筒

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